



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JDG/NR
F. #2014R00763

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 6, 2015

By ECF

The Honorable Pamela K. Chen
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Michael Grimm
Criminal Docket No. 14-248 (PKC)

Dear Judge Chen:

The government respectfully submits this letter in response to the Court's June 25, 2015 order regarding sentencing in the above-referenced case, which is scheduled for July 17, 2015 at 10:00 a.m.

As indicated in the government's letter dated June 25, 2015 (see Dkt. No. 97), the government is not requesting that the Court conduct an evidentiary hearing in connection with the defendant's sentencing. The government respectfully submits that, as set forth in the government's sentencing letters, the stipulated facts filed with the Court as part of the defendant's guilty plea (see Dkt. No. 82), and the documentary evidence submitted with those letters are together sufficient to permit the Court to resolve the parties' disputes with respect to the application of role and obstruction enhancements pursuant to U.S.S.G. §§ 3B1.1 and 3C1.1.

With respect to the amount of tax loss at issue, specifically with respect to the determination of restitution, the government notes that the defendant has not objected to the Presentence Report ("PSR") Addendum, in which the Probation Department amended the PSR to include information regarding the calculation of the New York State tax loss applicable to the defendant. Should the Court have any questions about the calculation of the applicable loss amounts, the government will have representatives from the Internal Revenue

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Service and the New York State Department of Taxation and Finance present at the time of the sentencing.

Respectfully submitted,

KELLY T. CURRIE

Acting United States Attorney

By: /s/

James D. Gatta

Nathan Reilly

Assistant U.S. Attorneys

cc: Defense Counsel (by ECF)
Clerk of the Court (PKC) (by ECF)
Patricia Sullivan, Senior U.S. Probation Officer (by e-mail)